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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,497	08/01/2001	Shinya Hondo	Q65530	3221
7590 04/04/2006 SUGHRUE, MION, ZINN, MACPEAK & SEAS 2100 Pennsylvania Avenue, N.W. Washington, DC 20037			EXAMINER CORRIELUS, JEAN B	
			ART UNIT 2611	PAPER NUMBER

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/918,497

Applicant(s)

HONDO, SHINYA

Examiner

Jean B. Corrielus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6, 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. The indicated allowability of claims 6 and 14 is withdrawn in view of the newly discovered reference(s) to Hayashi et al US patent No. 6,069,884. Prosecution is hereby reopen and Rejections based on the newly cited reference(s) follow. In addition claims 6 and 14 are further rejected under 112 second paragraph for omitting essential subject matter.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6 and 14 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: claim 6 recites that each processing block includes a rake combiner. However, the claim omits other essential elements such as fingers and searcher required to be used in cooperation with the rake combiners to process the received data in each processing block. In addition, the claims require a first and second rake combiners in each processing block to be coupled to the memory block.

As per claim 14 see claim 6 in addition, the claim requires a memory coupled between the decoder and a couple of rake combiners in each of said processing blocks.

### ***Claim Objections***

4. Claims 6 and 14 are objected to because of the following informalities: as per claim 6, the claim language (lines 5-6 and 14-15) suggests that the decoder is configured to receive “a received **signal**” from the processing blocks and “received **signals**” from the memories while in fact the decoder according to the specification, as filed, see fig. 8, only teaches that the decoder is configured to receive an output from the memory element. It is suggested that the claim be amended to in such a way as to be consistent with the specification, as filed. Claim 6, last two lines, recites the decoder reads **received signals** from said memories. However, there is no limitation to any signal(s) stored or written in the memories. As per line 14, “received signals having a **high priority**” with respect to what? Similar comment applies equally to similar limitations recited in claim 14. In addition, claim 14, lines 6-8 suggest a single memory is connected between the decoder and the rake combiner while lines 9-10 suggests that a plurality of “memories” are present. The claim should be amended so that lines 6-8 are consistent with lines 9-10. in addition, claim 14, line 11, “signal” should be “signals” so as to be consistent with antecedent in line 9. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi et al US patent No. 6,069,884 in view of Hanaoka et al US patent No. 6,920,122.

As per claim 6, Hayashi et al discloses a method and apparatus fig. 23 comprising a plurality of processing blocks see fig. 23 for carrying out reception processing for said data; a decoder 0308 for decoding a signal outputted from said plurality of said reception processing blocks and a plurality of memories (2017 and 2019) each of which is connected between said decoder 0308 and a rake combiner (2006 and 2016) in each of said reception processing blocks (fig. 23) wherein said decoder 0308 received (reads), output of the memory (received signals) having the best line condition (high priority) in series (successively) from said memories so as to carry out decoding processing. However, Hayashi et al does not explicitly teach the apparatus is configured to received a plurality of service types and that the data are allocated to each processing block depending on the service types and that the service types of data includes packet data high speed data voice data and low speed data. Hanaoka teaches a method and apparatus configured to receive data of a plurality of service types and that the data are allocated to each processing block depending on the service types and that the service types of data includes high speed data, voice data

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and low speed data see fig. 2. Given that fact, it would have been obvious to one skill in the art to incorporate such a teaching in Hayashi et al so that channel assignment can be controlled so as to disperse processing so that the load of the base station is not concentrated on a specific hardware or software processing as taught by Hanaoka see col. 4, lines 1-4. In addition, Hanaoka et al does not specifically teaches that the service type also includes packet data. However, at col. 1, lines 25-32, Hanaoka teaches that other service types can be provided as well. Considering that "data packet" is a well known data "type", it would have been obvious to one skill in the art to modify Hayashi et al and Hanaoka to include "packet data" type and the reason to do so would have been the same as provided above and another motivation would have been to provide compatibility with existing technology that uses packet data format.

Claim 14 similarly rejected as claim 6.

### ***Response to Arguments***

7. Applicant's arguments filed 2/13/06 have been fully considered but they are not persuasive. Page 6 of the comment declines to follow examiner's suggestion with respect to the proposed amendment to claims 6 and 14 on the ground that fig. 1 for instance does not require a separate memory to be coupled to each processing block. However, it is noted that the claimed invention does not read on the embodiment of fig. 1. The claimed limitations only read on the embodiment of fig. 8 that requires a respective memory (11-13) to be coupled to each processing block. Applicant's comment further stated that the claim is amended to clarify that the phrase "said


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received signal having a high priority" however the claim does not specify with respect to what the received signal has a "high priority". The objection to claim 6, lines 5-6, 8-9 and 14 has been withdrawn. However, as set forth above the limitation "said received signal having a high priority " is still objected to for the reason set forth above. With respect to claim 14, line 4 has been withdrawn. The question with respect to where the memories receive the signal from and comment made with respect to inserting "using said decoder" have been withdrawn.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B. Corielus whose telephone number is 571-272-3020. The examiner can normally be reached on Maxi-Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jean B Corielus  
TC - 2600

**PRIMARY EXAMINER**